GOVERNMENT OF ANDHRA PRADESH

ABSTRACT.

Public Servants–Transport Department–Disproportionate Assets(D.A.) Case registered under the Prevention of Corruption Act, 1988 against Sri B.Venkata Murali Krishna, Motor Vehicles Inspector, Gannavaram, Krishna District-Bureau's Detailed Final Report in the Disproportionate Assets Case furnished recommending Departmental Action- Representation of Sri B.Venkata Murali Krishna, Motor Vehicle Inspector examined-Case finalized-Further Action dropped against Sri B.Venkata Murali Krishna, Motor Vehicle Inspector–Orders issued vide G.O.Ms.No.27, Transport, Roads & Buildings (VIG.TR.) Department, Dated:27.06.2017-Reconsideration of decision taken by Govt.-Requested-Earlier Decision taken by Govt. is Reiterated-Orders-Issued.

TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT

G.O.Rt.No.85 **Dated: 19.03.2018.**

Read the following:

1)From the Director General, Anti-Corruption Bureau, Hyderabad, Lr.No.145/RCA-EWG/2014, Dated:25.10.2016.
2)From Sri B.Venkata Murali Krishna, MVI, O/o Deputy Transport Commissioner, Guntur, Representations Dated:03.11.2016 & 14.11.2016.
3)G.O.Ms.No.27, TR&B(VIG.TR.1)Department, Dated:27.06.2017.
4)From the Director General, Anti-Corruption Bureau, A.P., Vijayawada, Rc.No.145/RCA-EWG/2014, Dated:10.10.2017.
5)From Sri B.Venkata Murali Krishna, MVI, Gannavaram, Krishna District(O.D. at Guntur), Representation Dated:03.10.2017 addressed to the Director General, Anti-Corruption Bureau, A.P., Vijayawada with copy marked to the Spl. Chief Secretary to Govt.(FAC), Transport, Roads & Buildings Department, A.P. Secretariat, Velagapudi.

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ORDER:

In the reference 1st read above, the Director-General, Anti-Corruption Bureau, A.P., Hyderabad has submitted his Final Report in the above Disproportionate Assets Case registered against Sri B.Venkata Murali Krishna, Motor Vehicle Inspector, inter alia, conclusively stating that the above named Accused Officer was found in possession of Assets disproportionate to his known sources of Income during the Check Period from 09.03.1994 to 18.06.2014 as mentioned below:

SAVINGS OF THE A.O.:

Sl.No.	Description of the Item	Amount In Rs.
1	Total Income of the A.O.	Rs.97,16,415
2	Total Expenditure of the A.O. and Family Members	Rs.34,26,800
3	Savings of the A.O.	Rs.62,89,615

CALCULATION OF DISPROPORTIONATE ASSETS:

Sl.No.	Description of the Item	Amount In Rs.
1	Total Assets Acquired by the A.O.	Rs.85,50,150
2	Likely Savings of the A.O. (-)	Rs.62,89,615
3	Disproportionate Assets of the A.O.	Rs.22,60,535

As seen from the above, the Accused Officer was found in possession of Assets disproportionate to the known sources of Income to a tune of Rs.22,60,535/-.

In view of the aforesaid Oral and Documentary Evidences, it is evident that the Accused Officer, as on 18.06.2014, was in possession of Disproportionate Assets to the known sources of Income to the tune of **Rs.22,60,535/-** which is **23.26%** of the Total Income of the Accused Officer. However, the Disproportionate Assets is marginal. As such, the Director-General, Anti-Corruption Bureau, A.P., has recommended to initiate Departmental Action against the Accused Officer as he is in possession of Assets Disproportionate to the known sources of Income in violation of 3(1) & (2) of A.P.Civil Services(Conduct)Rules, 1964. The Director-General, Anti-Corruption Bureau, A.P., in his Final Report in the reference 8th read above, has, therefore, requested the Government that Order for initiating Departmental Action against the Accused Officer for violation of Rule 3(1) & (2) of A.P. Civil Services(Conduct)Rules, 1964 may be issued at an early date.

In the reference 2nd read above, the Accused Officer, Sri B.Venkata Murali Krishna, Motor Vehicle Inspector, O/o Deputy Transport Commissioner, Guntur has submitted Representations Dated:03.11.2016 and 14.11.2016, wherein he has requested to consider his submissions basing on the evidences mentioned therein against each item and to drop further action against him in this case in the interest of Natural Justice.

Government, after due consideration of the matter, provisionally arrived at an assessment that Total Income of Accused Officer, Total Expenditure & Total Assets of Accused Officer have to be revised as shown hereunder:

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1.	**Total Assets Acquired by the Accused Officer**	**Rs.83,23,150.00**
2.	**Total Income of the Accused Officer**	**Rs.98,68,115.00**
3.	**Total Expenditure of the Accused Officer**	**Rs.34,26,800.00**
4.	**Total Savings of the Accused Officer(2 – 3)**	**Rs.64,41,315.00**
5.	**Total Value of Disproportionate Assets of Accused Officer(1 – 4)**	**Rs.18,81,835.00**

In terms of **Circular Memo No.623/Spl.C/2008-2, Dated:15.10.2008 of Genl.Admn. (Spl.C)Deptt.(**wherein **20% margin** is allowed on computation of Income of Accused Officer), the value of Accused Officer's Assets is permitted upto **Rs.19,73,623/-.** However, as seen from the Revised Computation of Accused Officer's Disproportionate Assets value, after making allowance for **20% margin,** the value of Accused Officer's Disproportionate Assets works out to **Rs.18,81,835/-,** which will be within the permissible limits, viz., Rs.19,73,623/-.

Government, after examining the entire issue, keeping in view the totality of the facts and circumstances of the case, have noted that the Assets of Sri B.Venkata Murali Krishna, Motor Vehicle Inspector, **which stand at Rs.18,81,835/-,** are found to be within permissible statutory limits(20%) and, therefore, decided to **drop further action against the above named Accused Officer**., and accordingly, Government, vide reference 3rd read above, ordered to drop further action against Sri B.Venkata Murali Krishna, Motor Vehicle Inspector, O/o Deputy Transport Commissioner, Guntur, in the above Anti-Corruption Bureau(ACB) Disproportionate Assets Case.

In the reference 4th read above, the Director-General, Anti-Corruption Bureau, A.P., Vijayawada, while quoting certain earlier references, has informed that vide their Rc.No.145/RCA-EWG/2014, Dated:10.10.2017, the Bureau had sent Final Report to the Government duly recommending to initiate Departmental Action against Sri B.Venkata Murali Krishna, Motor Vehicle Inspector, Gannavaram, Krishna District for acquiring of Assets Disproportionate to his known sources of Legal Income to a tune of Rs.22,60,535/-; that, however, vide *G.O.Ms.No.27, Transport, Roads & Buildings(VIG.TR.)Department, Dated:27.06.2017*, the Government issued Orders dropping further action against the Accused Officer, Sri B.Venkata Murali Krishna, Motor Vehicle Inspector, Gannavaram, Krishna District., in this regard, the Director General, Anti-Corruption Bureau, A.P., Vijayawada, has informed that though the Accused Officer(A.O.), Sri B.Venkata Murali Krishna, MVI, claimed that he derived Income of Rs. 1,51,700/- as Sale Proceeds of Gold, he did not claim the said Income in his Explanation given to the Investigating Officer (I.O.); as such, there was no scope for the Investigating Officer(I.O.) to verify the genuineness of the claim of the Accused Officer (A.O.), had the Accused Officer got such Income, he could have mentioned the same in his Explanation, instead of claiming the same in his Representation Dated:03.11.2016 submitted to the Government; that, hence, a reasonable doubt arises with regard to the genuineness of this claim of the Accused Officer, it appears that Accused Officer came up with such a claim after the Final Report was sent to the Government, with a view to avoid verification of genuineness or otherwise of his claim by the Investigating Agency; that, hence, no credence can be given to the claim of Accused Officer and that amount cannot be added to the Income of the Accused Officer. In this connection, the Director General, Anti-Corruption Bureau, A.P., Vijayawada, has also informed that though this Case does not merit for Prosecution, it has been conclusively established that the Accused Officer had acquired Disproportionate Assets to his known sources of Legal Income and merits Departmental Action for Major Penalty against the Accused Officer, Sri B.Venkata Murali Krishna, Motor Vehicle Inspector, Gannavaram, Krishna District, for violation of Rule 3(1) & (2) of A.P.C.S.(Conduct)Rules, 1964 as recommended by the Bureau in the Final Report Dated: 25.10.2016; that it is further submitted that as seen from the Orders issued by Govt. vide G.O.Ms.No.27, Transport, Roads & Buildings(VIG.TR.)Department, Dated:27.06.2017, the Disproportionate Assets acquired by the Accused Officer, Sri B.Venkata Murali Krishna, is at 19.06%, i.e., marginally below the upper limit of 20% allowed in Disproportionate Assets(DA) Cases; that ***in the Case of Akunuri Haranadha Babu Vs. State represented by Inspector Of Police, ACB, the Hon'ble High Court of Judicature for the State of Telangana & the State of A.P. at Hyderabad,*** held the following in the Verdict delivered on 28.08.2014:*"It would, therefore, be inappropriate, indeed undesirable, to extend the principle of deduction beyond 10% in calculating Disproportionate Assets of a Delinquent Officer. That as per the principle enunciated in the cases cited supra, 10% margin is permissible, that too, after full fledged Trial.... The Hon'ble Apex Court extended the benefit of 10% margin in case of Disproportionate Assets after full fledged Trial only".*

The Director General, Anti-Corruption Bureau, A.P., Vijayawada, vide his Letter Rc.No.145/RCA-EWG/2014, Dated:10.10.2017 in the reference 4th read above, has, therefore, requested that, in view of the facts and materials mentioned above as well as the Final Report of even number Dated:25.10.2016 of the Bureau 1st read above, the Government is once again requested to reconsider the decision taken earlier in this regard and to issue Orders for initiating Departmental Action against the Accused Officer, Sri B.Venkata Murali Krishna, Motor Vehicle Inspector, Gannavaram, Krishna District.

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In the reference 5th read above, Sri B.Venkata Murali Krishna, Motor Vehicle Inspector, Gannavaram, Krishna District(On OD At Guntur), has submitted a Representation Dated:03.10.2017 to the Director General, Anti-Corruption Bureau, A.P., Vijayawada(with copy marked to the Spl. Chief Secy. to Govt.(FAC), Transport, Roads & Buildings Department, A.P.Secretariat, Velagapudi), wherein he has submitted that while he was working as Motor Vehicles Inspector, Gannavaram, Krishna District, the ACB Authorities registered a Case against him in Cr.No.11/RCA-EWG/2014, Dated:18.06.2014; that the Government of Andhra Pradesh has issued Orders vide G.O.Ms.No.27, Transport, Roads & Buildings(VIG.TR.)Department, Dated:27.06.2017, for dropping further action against him keeping in view of the facts in his Detailed Explanation submitted to the ACB Authorities on 05.06.2015 along with supported documentary evidences pertaining to purchase of Agricultural Land to an extent of Acres 1.89 Cents in Survey No.221/B, 221/C, 221/1C located at Kaspa of Pentapadu vide Registered Document No.490/2002 of SRO, Pentapadu in the name of the A.O.(S.No.2 of his Explanation) and also the Sale Proceeds of Gold Ornaments worth of Rs.1,51,700/- at M/s Raj Jewellers of Kakinada vide Receipt No.1393 and 1394, both Dated:29.01.2007 vide Sl.No.11 of his Detailed Explanation; that during the course of Investigation into the above case, the ACB Authorities seized several Documents relating to possession of Assets, Income and Expenditure; that the Investigating Officer issued Freezing Orders for freezing Bank Locker No.C-9 of SBH, Tadepalligudem, and also Savings Bank Account No. 50154437588 with Allahabad Bank, Patamata Branch, Vijayawada in the name of himself and his Wife; that they have also freezed his Salary Account, and also other Savings Bank Accounts and Immovable Asset Documents pertaining to his Father-in-law, Mother-in-law, himself, his Wife, and also his Passport, the details of which he had already appraised the Bureau in his previous Representation Dated:09.08.2017; that due to freezer of all Bank Accounts, himself and his Wife are facing much financial troubles to meet the educational expenditure of his two children; and has finally requested the Director General, Anti-Corruption Bureau, A.P., Vijayawada to kindly examine his Representation sympathetically and to direct the Investigating Officer to raise the Attachments and release the Properties and Other Bank Accounts attached in pursuance of the Orders issued by Hon'ble Special Judge for SPE & ACB Cases, Vijayawada in Crl.M.P.No.1549/2016 in Cr.No.11/RCA/ACB-EWG/ 2014, for which act of kindness he shall be ever grateful to the Director General, Anti-Corruption Bureau, A.P.

Government, on re-examining the matter, have observed that the Director General, Anti-Corruption Bureau's contention that the Accused Officer, Sri B.Venkata Murali Krishna, Motor Vehicles Inspector, did not claim the income of Rs.1,51,700/- which accrued to him from the sale of Gold Ornaments, in his Explanation given to the Investigating Officer (I.O.), can**not be supported,** since the above named Accused Officer had mentioned this particular transaction at Sl.No.11 in his Detailed Explanation submitted to the Investigating Agency (at Page No.61) and the same was also shown in the Abstract Statement under ADDL. SOURCES OF INCOME as Sl.No.11(at Page No.62) of his Detailed Written Explanation submitted to the Bureau. Hence, the Amount of Rs.1,51,700/- derived from Sale of Gold Ornaments has to be treated as Legitimate Income Source of Sri B.Venkata Murali Krishna, Motor Vehicles Inspector.

Further, as seen from the Lr. Dt:10.10.2017 in the reference 4th read above, the Director General, Anti-Corruption Bureau has quoted A.P.High Court's Order Dated: 28.08.2014 in ***Case of Akunuri Haranadha Babu Vs. State represented by Inspector Of Police, ACB, stating that 10% margin on Income of an Accused Officer, is to be allowed for determination of disproportion of Assets, the following information is recorded as a rebuttal of the Director General, Anti-Corruption Bureau's contention:-***

Sl.No.	Memo Issued By Govt. Of A.P.	% Of Margin Allowed	Period In Force(From – To)
1.	Govt. Memo No. 700/SC.D/88-4, Dated:13.02.1989 of Genl. Admn. (SC.D)Department	20%	From 13.02.1989 to 27.02.2003
2.	Govt. Memo No. 368/Spl.B/ 2002-1, Dated:28.02.2003 of Genl.Admn.(SPL.B) Department	10%	From 28.02.2003 to 14.10.2008
3.	Govt. Memo No.623/ Spl.C/ 2008-2, Dated:15.10.2008 of Genl.Admn.(SPL.C) Department	20%	From 15.10.2008 till-to-date

It is informed that as seen from the material record contained in G.O.Ms.No.27, Transport, Roads & Buildings(VIG.TR.)Department, Dated:27.06.2017), the First Information Report(F.I.R.) was registered against the Accused Officer, Sri B.Venkata Murali Krishna, Motor Vehicles Inspector, on 18.06.2014(Cr.No.11/RCA-EWG/2014). The Government, after careful examination, dropped further action against the Accused Officer on 27.06.2017. *On both the above dates, viz., commencement of the ACB Disproportionate Assets(D.A.) Case & Conclusion of the Case), the Govt. Memo No. 623/Spl.C/2008-2, Dated:15.10.2008 of Genl.Admn.(SPL.C) Deptt.(enhancing the margin on Income of Accused Officers from 10% to 20%) was in existence.* **Therefore, the Accused Officer, Sri B.Venkata Murali Krishna, Motor Vehicles Inspector, is entitled to claim the benefit of the Govt. Memo No.623/Spl.C/2008-2, Dated: 15.10.2008 of Genl.Admn.(SPL.C) Deptt.(extending the benefit of 20% margin), which was in force then, AND AS ON DATE, it is still in force.**

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Government, after due consideration of the matter, and keeping in view the facts as mentioned in the above paragraphs, have concluded that no interference by way of re-consideration of the earlier Govt. Orders issued vide G.O.Ms.No.27, Transport, Roads & Buildings(VIG.TR.) Department, Dated:27.06.2017 in the reference 3rd read above, is called for and the Govt. Orders issued in the above-said G.O., are confirmed and the same is hereby reiterated.

The Director General, Anti-Corruption Bureau, A.P., Vijayawada shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD,
SPL. CHIEF SECRETARY TO GOVERNMENT

To
The Director General, Anti-Corruption Bureau, A.P., Vijayawada.

Copy to:
1)The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, A.P.Secretariat, Velagapudi, A.P. for favour of information.
2)SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER